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1
                IN THE UNITED STATES DISTRICT COURT
                 FOR THE WESTERN DISTRICT OF TEXAS
 2
                         AUSTIN DIVISION
3
  UNITED STATES OF AMERICA,
                                      ) AU:22-CR-00122-LY-5
 4
     Plaintiff,
                                      ) AUSTIN, TEXAS
5
  v.
  KENNY CANO GUZMAN,
6
7
     Defendant.
                                      ) FEBRUARY 16, 2023
           8
                  TRANSCRIPT OF DETENTION HEARING
                  BEFORE THE HONORABLE MARK LANE
9
           10
   APPEARANCES:
11
   FOR THE PLAINTIFF: MARK MARSHALL
12
                      UNITED STATES ATTORNEY'S OFFICE
                      903 SAN JACINTO BOULEVARD, SUITE 334
                      AUSTIN, TEXAS 78701
13
  FOR THE DEFENDANT:
                      TERRENCE MICHAEL MARSH
14
                      LAW OFFICE OF TERRENCE MARSH
                      601 QUAIL VALLEY DRIVE
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                      GEORGETOWN, TEXAS 78626
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   Proceedings recorded by electronic sound recording, transcript
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  produced by computer.
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1	EXAMINATION INDEX
2	LANDON TODD DAVIS
3	DIRECT BY MR. MARSHALL
4	DANIEL PALOMARES DIRECT BY MR. MARSH
5	NADIA GUILLANA RODRIGUEZ
6	DIRECT BY MR. MARSH
7	CROSS BY MR. MARSHALL
8	DIRECT BY MR. MARSH
9	CROSS BY MR. MARSHALL
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(Proceedings began at 9:10 a.m.)
08:15:43
       1
       2
                     THE CLERK: The Court calls the following for a
08:15:43
          detention hearing: 1:22-CR-122, The United States of America v.
       3
08:15:47
          Defendant Number 5, Kenny Guzman.
08:15:52
                     MR. MARSHALL: Mark Marshall for the United States.
       5
08:15:55
                     MR. MARSH: Attorney Terrence Marsh for Mr. Guzman.
       6
08:16:07
       7
                     THE COURT: Good morning, gentlemen. Good morning to
08:16:13
          you, Mr. Guzman. We are here on the government's motion to
08:16:15
       8
          detain. I do note that we have a --
08:16:17
       9
                     MR. MARSH: Judge, if I may, I apologize. She didn't
      10
08:16:26
          have her ear pods in for the interpreter.
      11
08:16:34
                     THE COURT: Okay. Let's get that squared away.
      12
08:16:37
                     Good? Okay.
08:16:41
      13
      14
                     Well, let me just repeat myself. We're here on the
08:16:42
          government's motion to detain. I do note an entry of a not
      15
08:16:45
          quilty plea as it relates to the arraignment responsibilities,
08:16:48
      16
          and we'll get that filed.
      17
08:16:52
                     Mr. Marshall, where is the government with that
08:16:53
      18
          motion?
08:16:56
      19
                     MR. MARSHALL: We'll continue with the motion,
08:16:56
      20
          Your Honor.
      21
08:16:57
                     THE COURT: All right, sir. I'll let you call your
      22
08:16:58
      23
          first witness or introduce any evidence that you may have.
08:17:07
                     MR. MARSHALL: I will. Pursuant to 3142, we would
      24
08:17:15
      25
          invoke the presumption of both a risk of flight and a danger to
08:17:18
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the community in this case. I think we'd be focusing on risk
       1
08:17:32
       2
          of flight in this particular instance.
08:17:38
                      I'll call Todd Davis.
08:17:40
       3
                                  Is that an agent or --
08:17:42
       4
                      THE COURT:
08:17:45
       5
                      MR. MARSHALL: Agent.
                      THE COURT: Agent Davis, if you'd come on up to our
       6
08:17:45
       7
          witness stand, we'll get started.
08:17:50
                      As he's doing that, Mr. Marshall, let me tell you
       8
08:17:51
          what you know, which is the government's obligated to provide
08:18:11
       9
          any information subject to Brady v. Maryland and its progeny to
      10
08:18:14
          the defense as soon as reasonably possible, and the failure to
      11
08:18:19
          do that in a timely manner subjects the government to a number
      12
08:18:25
          of sanctions up to and including dismissal of the case.
      13
08:18:28
                                  Yes, sir.
08:18:31
      14
                      MR. MARSH:
                                  All right, sir. We'll get that done.
      15
                      THE COURT:
08:18:32
                      And, Agent Davis, if you'd raise your right hand,
08:18:34
      16
          you'll be sworn.
      17
08:18:39
                (Witness sworn)
08:18:40
      18
08:18:46
      19
                      THE COURT:
                                  Have a seat, sir.
                      And, Mr. Marshall, he's your witness.
08:18:50
      20
      21
                                    LANDON TODD DAVIS,
08:18:54
          having been first duly sworn, testified as follows:
      22
08:18:54
      23
                                    DIRECT EXAMINATION
08:18:54
      24
          BY MR. MARSHALL:
08:18:54
      25
          Ο.
                Once you're situated, tell us your name and spell your
08:18:56
```

- 08:18:58 1 name for the record?
- 08:18:59 2 A. Sure. My name is Landon Todd Davis, L-a-n-d-o-n T-o-d-d
- 08:19:09 3 D-a-v-i-s.
- 08:19:12 4 Q. How are you employed?
- 08:19:13 5 A. I'm a special agent with the Drug Enforcement
- 08:19:19 6 Administration.
- 08:19:21 7 Q. How long have you been with DEA?
- 08:19:23 8 A. Eighteen and a half years.
- 08:19:25 9 Q. In your capacity as an agent with DEA, did you and other
- 08:19:36 10 agents have an occasion to investigate allegations that Yunier
- 08:19:44 11 | Basulto-Alvarez and others were engaged in the distribution of
- 08:19:52 12 controlled substances?
- 08:19:53 13 A. Yes, sir, we did.
- 08:19:54 14 Q. How did that investigation begin?
- 08:19:57 15 A. So it was information passed from the Texas Department of
- 08:19:59 16 | Public Safety. The DPS Narcotics Squad had been looking at
- 08:20:07 17 | Mr. Basulto-Alvarez. The Drug Enforcement Administration
- 08:20:13 18 opened a case on him in approximately January 2021, with the
- 08:20:19 19 | information that Mr. Basulto-Alvarez was distributing kilogram
- 08:20:28 20 quantities of methamphetamine and cocaine.
- 08:20:30 21 | Q. Did you do some preliminary investigation to corroborate
- 08:20:33 22 the information given by DPS?
- 08:20:35 23 A. Yes, sir. That's correct. We did a few controlled buys
- 08:20:42 24 using a confidential informant from Mr. Basulto-Alvarez, as
- 08:20:47 25 | well as surveillance as well as phone tele-analysis.

- 08:20:53 1 | Q. In doing your surveillance and doing your controlled buys,
- 08:20:57 2 did anyone notice Ms. Kenny Cano Guzman?
- 08:21:03 3 A. She was noticed on multiple occasions as being a
- 08:21:06 4 girlfriend of Mr. Basulto-Alvarez. Off the top of my head, I
- 08:21:12 5 cannot remember if she was around for any of the purchases we
- 08:21:18 6 did using the confidential informant.
- 08:21:22 7 Q. That's the preliminary stuff?
- 08:21:24 8 A. Yes, sir. Correct.
- 08:21:25 9 Q. Were they living in the same location as far as you could
- 08:21:28 10 tell from surveillance?
- 08:21:29 11 A. Yes, sir.
- 08:21:29 12 Q. In that respect, after you did your controlled buys, what
- 08:21:38 13 action did you take?
- 08:21:40 14 A. We started proceeding towards a Title III intercept of
- 08:21:44 15 Mr. Basulto-Alvarez's phone.
- 08:21:45 16 Q. Did you successfully get a court order for Title III
- 08:21:50 17 | intercepts on that phone?
- 08:21:51 18 A. Yes, sir, we did. The first one we attempted to go up on
- 08:21:56 19 was in June of 2021. About the time that we turned on the
- 08:22:02 20 phone, Mr. Basulto-Alvarez had already switched to another
- 08:22:06 21 phone. So then we wrote for the next phone and got up on that
- 08:22:09 22 on July 14th of 2021.
- 08:22:13 23 Q. What did you notice when you were doing the interceptions
- 08:22:16 24 on that phone?
- 08:22:16 25 A. At this point in time, Mr. Basulto-Alvarez's conversations

- 08:22:20 1 confirmed what we thought, that he was a multi-kilogram
- 08:22:24 2 distributor of methamphetamine and cocaine.
- 08:22:26 3 Q. Did he specifically talk about the distribution of meth
- 08:22:29 4 and coke?
- 08:22:29 5 A. Yes, sir.
- 08:22:30 6 Q. In kilo quantities?
- 08:22:32 7 A. Correct. Yes, sir.
- 08:22:33 8 Q. And that was specifically on which phone?
- 08:22:36 9 A. Target telephone 2 is what we called it.
- 08:22:44 10 Q. And going through those particular phone calls, did you
- 08:22:46 11 take enforcement action to corroborate the fact that these were
- 08:22:51 12 actually controlled substance distributions?
- 08:22:55 13 A. In the course of target telephone 2, we were trying to be
- 08:23:01 14 especially careful, because our ultimate purpose was to figure
- 08:23:07 15 out who his source of supplies were. Based on the fact that he
- 08:23:11 16 | had already dumped one target telephone before we even got up
- 08:23:14 17 | and we knew he changed telephones frequently, we were pretty
- 08:23:18 18 | careful as far not to knock anything off that would rattle him
- 08:23:22 19 enough to where he would throw the phone in the trash, is what
- 08:23:26 20 we call it, with target telephone 2.
- 08:23:30 21 So, in that instance, I'm trying to remember if we
- 08:23:34 22 did a traffic stop or anything. We did do surveillance as far
- 08:23:39 23 as hearing conversations to go out and watch the meetings. We
- 08:23:45 24 | would identify the people that were meeting with
- 08:23:49 25 Basulto-Alvarez or his couriers that he designated. But I

- 08:23:54 1 can't remember if we traffic stopped anybody in the course of
- 08:23:58 2 target telephone number 2.
- 08:24:00 3 Q. And that's fine. But the surveillance and other
- 08:24:08 4 activities corroborated the fact that these were drug
- 08:24:12 5 transactions?
- 08:24:12 6 A. Yes, sir. Absolutely. Correct. He was -- he would set
- 08:24:14 7 up a meeting location. The other person would show up.
- 08:24:17 8 | Mr. Basulto-Alvarez would identify what vehicle he was in or
- 08:24:35 9 | his courier was in. The other individual would identify what
- 08:24:45 10 vehicle he was in. We would observe those two individuals
- 08:24:47 11 meet, hand to hand, and then after that they would depart. If
- 08:24:51 12 | it was a courier, the courier would then call back to
- 08:24:58 13 Mr. Basulto-Alvarez to confirm that the meeting had taken place
- 08:25:05 14 and every thing was done.
- 08:25:06 15 Q. In the course of the interceptions on target telephone
- 08:25:09 16 | number 2, were there occasions when you intercepted
- 08:25:13 17 | conversations with Kenny Cano Guzman on that target telephone?
- 08:25:18 18 A. Yes, sir. Multiple instances where we intercepted
- 08:25:21 19 Ms. Guzman on target telephone 2.
- 08:25:24 20 Q. And, specifically, what kind of conversations was she
- 08:25:26 21 | having during the pertinent phone calls?
- 08:25:28 22 A. During the pertinent phone calls, it would -- I mean, for
- 08:25:32 23 instance, there would be one where Mr. Basulto-Alvarez would
- 08:25:35 24 | call and say that the guy is coming by to pick up one.
- 08:25:41 25 Ms. Guzman would ask where it -- where that would be.

- 08:25:44 1 Mr. Basulto-Alvarez would say it's sitting on top of the
- 08:25:47 2 dresser. Then, the conversation -- the next conversation would
- 08:25:52 3 be that the individual came by and the deal was completed.
- 08:25:56 4 Q. Were there several of those phone calls?
- 08:25:58 5 A. Yes, sir.
- 08:25:59 6 Q. Approximately how many?
- 08:26:00 7 A. Over the three intercepts we had on Mr. Basulto-Alvarez, I
- 08:26:06 8 | would say there were 10 to 15 where it was -- it sounded like
- 08:26:09 9 | an explicit transaction and instructions.
- 08:26:12 10 Q. Again, you went up on two other target telephones --
- 08:26:26 12 Q. -- with regard to Basulto-Alvarez; is that correct?
- 08:26:29 13 A. That's right.
- 08:26:30 14 Q. Same activity on those phones?
- 08:26:42 16 Q. Finally, directing your attention to about May of 2022,
- 08:26:53 17 | did you take some specific enforcement action with regard to a
- 08:26:57 18 | large quantity of methamphetamine allegedly possessed by
- 08:27:01 19 | Basulto-Alvarez?
- 08:27:02 20 A. That's correct. On May 12th of 2022, agents intercepted
- 08:27:11 21 Mr. Basulto-Alvarez at his apartment. Mr. Basulto-Alvarez
- 08:27:15 22 granted consent to search his apartment. Inside the apartment
- 08:27:19 23 and inside the vehicles, it was a cumulative total of, I think,
- 08:27:28 24 40 kilograms of methamphetamine that were seized that day,
- 08:27:32 25 multiple guns inside the apartment, and then nearly a kilogram

- 08:27:36 1 of cocaine inside the apartment as well, too.
- 08:27:38 2 Q. Who was in the apartment when the search occurred?
- 08:27:41 3 A. Mrs. Guzman.
- 08:27:42 4 Q. All right. You indicated there was cocaine in the
- 08:27:46 5 apartment. Where was that cocaine located?
- 08:27:48 6 A. I believe it was in the bedroom, sir.
- 08:27:50 7 Q. All right. Were there other drugs located in the
- 08:27:53 8 apartment as well?
- 08:27:54 9 A. There was. There was methamphetamine already bagged up in
- 08:28:00 10 ounce quantity bags sitting out in plain view in the apartment,
- 08:28:06 11 | ready for him to distribute to -- to customers.
- 08:28:09 12 Q. And, again, this is the same apartment she was sharing
- 08:28:11 13 with -- the defendant was sharing with Mr. Basulto-Alvarez?
- 08:28:15  $14\mid A$ . All the time. And she was present there at the time of --
- 08:28:18 15 of this ordeal on May 12th.
- 08:28:21 16 Q. At this point were you ready to take this entire case
- 08:28:24 17 down?
- 08:28:24 18 A. No, sir. Definitely not.
- 08:28:26 19 Q. Had you identified, for instance, Mr. Rojelio Orozco yet
- 08:28:33 20 as the supplier?
- 08:28:34 21 A. Yes, sir, we had.
- 08:28:35 22 | Q. Were you still working on that particular case?
- 08:28:39 23 A. We were. Yes, sir.
- 08:28:40 24 Q. Did that carry through August of 2021 or '2, rather?
- 08:28:46 25 A. So we were up on Mr. Orozco's phone at that point in time,

- 08:28:55 1 still trying to identify who his source of supplies were, any
- 08:29:06 2 other kilogram customers. So, yes, that pushed into -- into at
- 08:29:13 3 least June, that time frame. And at that point in time, we
- 08:29:17 4 | were still trying to identify some of the people we had
- 08:29:23 5 | intercepted on Mr. Basulto-Alvarez's phone, as well as
- 08:29:27 6 Mr. Orozco's phone, as well as some of the other
- 08:29:38 7 coconspirators.
- 08:29:39 8 Q. Now, on May of 2022, Yunier Basulto-Alvarez was arrested
- 08:29:47 9 was he not?
- 08:29:48 10 A. Yes, sir. That's correct.
- 08:29:49 11 Q. And charged in federal court. Was Ms. Guzman arrested at
- 08:29:55 12 that point?
- 08:30:01 13 A. She was not.
- 08:30:02 14 | Q. Was that part of maintaining the -- the confidentiality of
- 08:30:10 15 | sources and the ongoing investigation?
- 08:33:27 16 A. That's correct. Yes, sir.
- 08:33:29 17 | Q. In that respect, did you keep tabs on Ms. Guzman after May
- 08:34:11 18 of 2022?
- 08:34:11 19 A. Yes, we did.
- 08:34:12 20 Q. Did she stay in that same apartment where the
- 08:34:16 21 | methamphetamine and cocaine were discovered?
- 08:34:18 22 A. For a very short period, and then she moved to the
- 08:34:21 23 apartment complex, at least we believe, where she was finally
- 08:34:25 24 arrested a couple of weeks ago.
- 08:34:28 25 | Q. All right. Who did she move in with at that apartment?

- DAVIS DIRECT 12 At that point in time, it is our understanding she moved 1 08:34:31 in with one of Mr. Basulto-Alvarez's lead couriers, Yoandry 08:34:34 Morales-Ortiz. 3 08:34:48 All right. Was he still a target of the investigation? 08:34:49 5 Yes, he was. 08:34:53 Α. Was he still active in the investigation at that point? 08:34:53 6 7 At that point in time, yes, we believe he was still 08:35:00 distributing some of the narcotics that we missed from 08:35:04 8 Mr. Basulto-Alvarez. 9 08:35:08 Did he subsequently flee the jurisdiction, and we're still 10 08:36:15 trying to find him? 08:36:23 11 That's correct. Yes, sir. 12 08:36:29 13 MR. MARSHALL: I pass the witness. 08:36:31 14 MR. MARSH: Do you want me to stand at the podium, 08:36:32 15 Judge? 08:36:40 THE COURT: Wherever you're comfortable. Yeah. 08:36:40 16 It's 17 usually best. 08:36:43 08:36:44 18 MR. MARSH: Sure. Okay. 08:36:46 19 THE COURT: While you're coming up, you mentioned that there was other -- other phones were wire-tapped; is that 08:36:47 20 21 right? 08:36:51
- 22 THE WITNESS: Correct. 08:36:52
- 23 THE COURT: Was the defendant on any of those 08:36:53
- 24 conversations? 08:36:58
- 25 THE WITNESS: No, sir. We were going up at that 08:36:58

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point in time, and so these were people that were not in
08:37:01
       1
       2
          regular contact with Ms. Guzman.
08:37:03
                      THE COURT: All right. So this only Basulto?
08:37:05
       3
                      THE WITNESS: Correct. Yes, sir.
08:37:11
       4
                      THE COURT: And the roommate of the defendant, I
08:37:11
       5
          don't see that person's name on the indictment.
       6
08:37:13
       7
                      THE WITNESS:
                                     That's correct.
08:37:16
                      THE COURT: Okay. All right.
       8
08:37:18
08:37:19
       9
                      MR. MARSHALL: She's a fugitive; is that correct?
                      THE WITNESS: So, again, when we presented everything
      10
08:37:29
          to the U.S. Attorney's Office, I was asking for quite a few
      11
08:37:32
          more defendants than ended up being --
      12
08:37:34
                      THE COURT: That's usually the case.
08:37:37
      13
08:37:39
      14
                      THE WITNESS: Yes, sir.
                      MR. MARSH: May I proceed, Your Honor?
      15
08:37:42
                      THE COURT: Yes.
                                          Absolutely.
08:37:43
      16
                                     CROSS-EXAMINATION
      17
08:37:45
          BY MR. MARSH:
08:37:45
      18
                Agent Davis, let's go back and talk about that series of
08:37:45
      19
          phone calls where you said that Mr. Basulto-Alvarez directed my
08:37:53
      20
          client to "some guy's coming to pick up one."
      21
08:38:01
                Sure. Yes, sir.
      22
          Α.
08:38:05
      23
          Ο.
                Remember that?
08:38:06
      24
                Yes, sir.
08:38:07
          Α.
      25
                Okay. About what time frame was that phone call made?
08:38:07
          Ο.
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- 08:38:12 1 A. That would be I think actually two days after we went up
- 08:38:16 2 on the intercept as far as the one you're referring to,
- 08:38:18 3 | July 16th, 2021.
- 08:38:20 4 Q. Okay. And between July 16th, 2021 and
- 08:38:27 5 Mr. Basulto-Alvarez's arrest, I think you testified there were
- 08:38:30 6 about 10 or 15 phone calls?
- 08:38:32 7 A. Yes, sir.
- 08:38:33 8 Q. Between Mr. Basulto-Alvarez and my client; is that right?
- 08:38:41 9 A. There were 10 to 15 that were clear like that. As far as
- 08:38:47 10 | pertinent phone calls, we had about 50 that we intercepted with
- 08:38:56 11 Ms. Guzman between Mr. Basulto-Alvarez and her that were tied
- 08:39:02 12 in with the time frame of narcotics transactions. Again, as
- 08:39:06 13 | far there were only about 10 to 15 that were explicit to where
- 08:39:10 14 she was standing in as the intermediary for him when he was not
- 08:39:17 15 at the apartment for a narcotics transaction.
- 08:39:19 16 Q. And as far as those transactions go that you're talking
- 08:39:23 17 about here, when he's telling her to go pick up one or other --
- 08:39:30 18 other code language, was any investigation done or any arrest
- 08:39:37 19 | made to confirm that that transaction was in fact a drug deal?
- 08:39:43 20 A. No, sir. As far as what you're asking is, did we end up
- 08:39:47 21 stopping anybody from leaving the apartment after they met with
- 08:39:50 22 Ms. Guzman, no, we did not do that.
- 08:39:55 23 Q. Okay. And so, again, we are talking about 50 or some
- 08:39:57 24 calls between July 16th, '21 through May 12th of '22, right?
- 08:40:04 25 A. Yes, sir.

- 08:40:04 1 Q. And these were involving Ms. Guzman?
- 08:40:06 2 A. That's correct. So, Mr. Marsh, if I can intercede on that
- 08:41:03 3 one, so that's about 50 what we classify as pertinent phone
- 08:41:06 4 calls. As far as phone calls between the two of them, in
- 08:41:10 5 | general, I -- I don't have the numbers in front of me because
- 08:41:13 6 we just don't pay attention to those that much. I'm sure there
- 08:41:16 7 were probably hundreds as far as we intercepted. But, for the
- 08:41:20 8 purpose of a drug investigation, we don't classify those as
- 08:41:24 9 pertinent. Non-pertinent is what they're designated, and so we
- 08:41:27 10 kind of just let those filter off.
- 08:41:32 11 Q. Okay. But the 10 to 15 that sounded like drug
- 08:41:41 13 A. Yes, sir.
- 08:41:42 15 A. Sure.
- 08:41:43 16 Q. -- those are attributed to Ms. Guzman?
- 08:41:46 17 A. That's correct. Yes, sir.
- 08:41:53 19 A. That's correct. Yes, sir.
- 08:41:54 20 Q. Had there been any subsequent phone calls between the two
- 08:41:57 21 of them?
- 08:42:01 22 A. Subsequent?
- 08:42:02 23 Q. Subsequent phone calls between Mr. Basulto-Alvarez and
- 08:42:05 24 Ms. Guzman, directing her to do, in your training and
- 08:42:10 25 experience, illegal activity.

- 08:42:12 1 A. Are you talking about from when he was in jail or anything 08:42:15 2 else?
  08:42:15 3 Q. Correct.
  08:42:17 4 A. Okay. So asking the Court's forgiveness, we were so busy
- 08:42:22 5 focused on the other source of supplies that we didn't dwell 08:42:29 6 too much into Mr. Basulto-Alvarez's phone calls to Ms. Guzman
- 08:42:33 7 at that point in time. We felt like we had the information we 08:42:36 8 needed on her.
- We do know that, at the time of the search warrant on May 12th, there were, I think, five vehicles in that parking lot that were attributed to Mr. Basulto-Alvarez. We know that Ms. Guzman had command and control of those after he went to
- 08:42:52 13 jail. But that's about as far as the level of activity that we

knew about from her. We were gathering information from

08:42:58 15 confidential sources on her, but weren't really pursuing an

active investigation into her after that.

- 08:43:06 17 Q. Okay. So between July 16th, 2021 and this May 12th, '22
- 08:43:11 18 date, had you already developed enough incriminating evidence

That's correct.

- 08:43:16 21 Q. -- to arrest her had you wanted to?
- 08:43:18 22 A. Yes, sir.

Α.

08:42:56

08:43:02

08:43:16

14

16

20

- 08:43:19 23 Q. So her boyfriend/husband gets arrested, Mr. Alvarez, and
- 08:43:30 24 you allow her to stay out in the world doing whatever she's
- 08:43:35 25 going to do?

- 08:43:35 1 A. Yes, sir.
- 08:43:36 2 Q. Between that May 12th, 2022 date and the day of her
- 08:43:42 3 arrest, had you developed any additional incriminating evidence
- 08:43:49 4 against my client?
- 08:43:50 5 A. No.
- 08:43:51 6 Q. Okay. So just so we're clear, you could have arrested her
- 08:44:01 7 at that point. You just decided not to?
- 08:44:03 8 A. So at that point in time, again, the list of people that I
- 08:44:07 9 | wanted to go ahead and arrest was long. I was -- I don't know
- 08:44:13 10 | how to say this. If -- if I make too big of a wave as far as
- 08:44:17 11 what I do, then that encourages other coconspirators to flee
- 08:44:22 12 the area. And that's what I was trying not to do at that point
- 08:44:26 13 in time. I wanted it to look like it was a very limited action
- 08:44:30 14 | against Mr. Basulto-Alvarez rather than a complex investigation
- 08:44:33 15 at that point in time.
- 08:44:34 16 Q. Okay. But Ms. -- Ms. Guzman had been present in the
- 08:44:37 17 | apartment when you executed the search warrant and arrested
- 08:44:40 18 Mr. Basulto-Alvarez?
- 08:44:42 19 A. That's correct, yes.
- 08:44:42 20 Q. So would it be fair to say that, had she wanted to flee or
- 08:44:47 21 she could have fled, she would have?
- 08:44:49 22 A. That's probably pretty fair. Yes, sir.
- 08:44:52 23 Q. Had you had any communication with Ms. Guzman between the
- 08:44:57 24 | May 12th arrest and her arrest?
- 08:44:59 25 | A. There may have been communication with her immediately

- 08:45:04 1 | following the May 12th situation in which two of the vehicles
- 08:45:07 2 were turned back over to Mr. Basulto-Alvarez's representative.
- 08:45:11 3 I can't remember if that was directly speaking with her or with
- 08:45:14 4 another family member of Mr. Basulto-Alvarez.
- 08:45:16 5 Q. And related to those vehicles, did you conduct any
- 08:45:20 6 investigation as far as her dealings with them, how they were
- 08:45:24 7 | moved, or whether she actually transported them anywhere?
- 08:45:28 8 A. As far as? I'm sorry, Mr. Marsh. So specifically ask ...
- 08:45:35 9 Q. So just, again, those five vehicles you testified to --
- 08:45:38 10 A. Sure. Yes, sir.
- 08:45:39 11 Q. -- right?
- 08:45:40 12 Did Ms. Guzman move them? Did she transport them?
- 08:45:45 13 Did she even touch them during that period?
- 08:45:47 14 A. So the answer is yes to one of those. One of them was
- 08:45:51 15 a -- a truck that Mr. Basulto-Alvarez had at the apartment
- 08:45:56 16 complex and actually used for a few narcotics transactions.
- 08:46:01 17 | That truck is located at the apartment complex where
- 08:46:06 18 Mrs. Guzman was arrested just a few weeks ago.
- 08:46:10 19 Q. All right. As far as you know, Ms. Guzman had a -- a
- 08:46:15 20 | vehicle at the time, right?
- 08:46:19 21 A. Yes.
- 08:46:20 22 | Q. Did you do any investigation in to her specific vehicle
- 08:46:26 23 and find any narcotics?
- 08:46:27 24 A. No. No narcotics. The only investigation into it was who
- 08:46:32 25 the registered owner was, that type of basic information.

- 08:46:39 1 Q. When you arrested Ms. Guzman, do you know who she was
- 08:46:43 2 living with, specifically?
- 08:46:44 3 A. Her cousin.
- 08:46:45 4 Q. Okay. Did you do any investigation into her cousin to
- 08:46:48 5 figure out whether or not he had any criminal history or
- 08:46:51 6 involvement?
- 08:46:51 7 A. There was nothing we could find on any involvement or
- 08:46:54 8 anything that was a red flag for us.
- 08:46:56 9 Q. You testified to Mr. Morales-Ortiz. Who is that again?
- 08:47:02 10 A. That was one of the couriers that operated for
- 08:47:05 11 Mr. Basulto-Alvarez.
- 08:47:07 12 Q. And approximately how long was she living with him?
- 08:47:11 13 A. Only a few months, as far as we were aware.
- 08:47:16 14 Q. Had Ms. Guzman's phone been tapped from the May 12th
- 08:47:33 16 A. No, sir.
- 08:47:35 17 MR. MARSH: I'll pass the witness, Judge.
- 08:47:39 18 MR. MARSHALL: No further questions.
- 08:47:40 19 THE COURT: Agent Davis, you can step down.
- 08:47:49 20 THE WITNESS: Thank you.
- 08:47:50 21 THE COURT: Mr. Marshall, do you have any additional
- 08:47:51 22 evidence?
- 08:47:52 23 MR. MARSHALL: No additional evidence.
- 08:47:54 24 THE COURT: All right. Mr. Marsh, do you have any
- 08:47:57 25 evidence you'd like to present?

```
MR. MARSH:
                                  Judge, I'd like to call Mr. Palomares.
       1
08:47:59
       2
                      THE COURT: All right. Mr. Palomares. Oh, the
08:48:05
          pretrial services officer?
       3
08:48:11
08:48:13
       4
                      MR. MARSH:
                                   Yes, sir.
                      THE COURT: Okay. Sure. Officer Palomares, if you
       5
08:48:13
          would raise your right hand and be sworn.
08:48:38
       6
       7
                (Witness sworn)
08:48:41
                                   May I proceed, Judge?
                      MR. MARSH:
08:57:00
       8
08:57:05
       9
                      THE COURT: Yes, sir.
      10
                                     DANIEL PALOMARES,
08:57:06
          having been first duly sworn, testified as follows:
      11
08:57:06
                                     DIRECT EXAMINATION
      12
08:57:06
          BY MR. MARSH:
08:57:06
      13
                Mr. Palomares, obviously, you've been working on this case
      14
08:57:06
          and you've spoken to Ms. Guzman, right?
08:57:17
      15
                That's correct.
08:57:20
      16
                And you've also spoken to Mr. Cano, her cousin, who she
08:57:20
      17
          lives with, correct?
08:57:28
      18
08:57:28
      19
          Α.
                Yes.
                And he was able to corroborate the information that you
08:57:29
      20
          put in your reports?
08:57:34
      21
                That's correct.
      22
          Α.
08:57:36
      23
                And after hearing the -- the testimony from Agent Davis
08:57:37
      24
          today, it looked like, between your conversation with Mr. Cano
08:57:40
      25
          yesterday and producing your report, you revised it and made
08:57:45
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```
new recommendations to the Court as far as conditions for my
       1
08:57:55
       2
          client if she was to be released?
08:58:00
                Yes.
                      That's correct.
       3
08:58:09
                And after hearing Agent Davis's testimony, in light of
08:58:11
       4
          those recommendations, do you still continue with those same
08:58:17
       5
          recommendations?
       6
08:58:20
       7
                Yes.
          Α.
08:58:21
                     MR. MARSH: No further questions, Judge.
       8
08:58:21
08:58:23
       9
                     MR. MARSHALL: Nothing further.
                     THE COURT: All right. Thank you Officer Palomares.
      10
08:58:24
          You can step down, sir.
      11
08:58:26
                     Any additional witnesses or evidence, Mr. Marsh?
      12
08:58:27
                     MR. MARSH: Yes, Judge. I have two witnesses.
08:58:30
      13
          is going to be Nadia Guillana. She's present in the courtroom.
08:58:32
      14
                     THE COURT: Ma'am, if you'd come forward, please.
      15
08:58:39
                     Make your way to our witness stand, please. Before
08:58:46
      16
          sitting down, if you'll raise your right hand and be sworn.
      17
08:59:00
                (Witness sworn)
08:59:27
      18
                     THE COURT: Have a seat. Please give us your full
08:59:27
      19
          name and spell your last name.
08:59:28
      20
      21
                     THE WITNESS: Nadia Guillana Rodriguez,
08:59:30
          G-u-i-l-l-a-n-a.
      22
08:59:44
      23
                     THE COURT: Go ahead.
08:59:48
                                   *******
08:59:49
      24
      25
```

## 1 NADIA GUILLANA RODRIGUEZ 08:59:49 2 having been first duly sworn, testified through the 08:59:49 interpreter, Lorena Devlyn, as follows: 3 08:59:49 DIRECT EXAMINATION 08:59:49 4 BY MR. MARSH: 5 08:59:49 Ms. Guillana, how old are you? 6 08:59:49 7 Fifty-two. Α. 08:59:53 What's your highest level of education? 08:59:58 8 09:00:01 9 I completed 12th grade with an associate's degree in economics. 10 09:00:11 Do you have any criminal history? 11 09:00:12 12 Α. No. 09:00:14 Where are you from? 13 Ο. 09:00:17 09:00:19 14 Α. From Cuba. How are you employed? 15 09:00:24 Ο. I work at a Hispanic clinic. 09:00:26 16 Α. Okay. How long have you worked there? 17 09:00:33 Q. A year and a half. 09:00:35 18 Jumping right into it, how do you know Ms. Guzman? 09:00:39 19 0. I met her in February of 2016, when we started a journey 09:00:44 20 from Ecuador all the way to here. 21 09:00:57 And so is it fair to say, then, you've known her or you've 22 09:01:00 23 both been here the same amount of time? 09:01:05

How would you describe Kenny's character?

09:01:08

09:01:09

24

25

Α.

Ο.

Correct.

- 09:01:14 1 A. I've known her since -- since then, like I said, and she's
- 09:01:29 2 very honest and hardworking woman.
- 09:01:32 3 Q. Have you ever seen Kenny do anything illegal?
- 09:01:36 4 A. No. Never.
- 09:01:37 5 Q. Have you ever seen her use drugs?
- 09:01:41 6 A. No. Never.
- 09.01:43 7 Q. Have you ever seen her drunk?
- 09:01:45 8 A. No. Never.
- 09.01:48 9 Q. If the judge asked you to sign an unsecured bond in this
- 09:01:56 10 case as a condition of Ms. Guzman's release, would you be
- 09:02:01 11 | willing to do that?
- 09:02:11 12 A. Yes.
- 09:02:11 13 Q. Okay. Also, now, since you've known Kenny, how often
- 09:02:16 14 | would you speak with her or visit with her?
- 09:02:18 15 A. Weekly. We speak weekly.
- 09:02:26 16 Q. Is it -- is it fair to say, then, that you're pretty close
- 09:02:32 17 | with her?
- 09:02:33 18 A. Yes. She comes to visit with me at my house because my
- 09:02:45 19 mother is sick, so she comes often to check on my mom.
- 09:02:52 20 Q. Would you also be willing to be a third-party custodian of
- 09:02:55 21 Ms. Guzman and let the Court know if Ms. Guzman is not
- 09:02:58 22 | following her conditions if she's released?
- 09:03:01 23 A. Yes.
- 09:03:10 24 Q. Now, you don't have any involvement in anything of what
- 09:03:15 25 we're talking about this morning as far as criminal activity,

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09:03:24 1 correct?

09:03:24 2 A. No. Not at all.

09:03:29 3 Q. And you don't have any direct knowledge of what the agent
```

- 09:03:36 4 testified to this morning?
- 09:03:37 5 A. No.
- 09:03:38 6 Q. Do you know when the last time was that Kenny went to
- 09:03:45 7 Cuba?
- 09:03:52 8 A. I think about three years ago.
- 09:03:55 9 Q. What are the conditions like in Cuba?
- 09:03:57 10 A. Terrible.
- 09:04:04 11 Q. Would you want to return to Cuba?
- 09:04:09 12 A. No. Not at all.
- 09:04:17 13 MR. MARSH: I'll pass the witness, Judge.
- 09:04:23 14 CROSS-EXAMINATION
- 09:04:23 15 **BY MR. MARSHALL:**
- 09:04:23 16 Q. Good morning, ma'am. Did you understand what the agent
- 09:04:25 17 said when he testified?
- 09:04:27 18 A. Yes.
- 09:04:32 19 MR. MARSH: Judge, may I, briefly? Ms. Guzman's
- 09:04:35 20 headset is dead.
- 09:04:38 21 THE COURT: Okay. Thank you for letting us know.
- 09:05:06 22 Q. (BY MR. MARSHALL) I'm going to ask the same question,
- 09.05:08 23 ma'am. Did you understand what the agent said when he
- 09:05:10 24 testified?
- 09:05:11 25 A. Yes.

- 09:05:17 1 Q. So you understood he testified that he overheard
- 09:05:19 2 conversations where Ms. Guzman helped distribute ounce
- 09:05:26 3 quantities of methamphetamine on several occasions?
- 09:05:46 4 A. Yes. I heard that.
- 09:05:48 5 Q. Was that a surprise?
- 09:05:49 6 A. Of course.
- 09:05:52 7 Q. Had you ever been over to her apartment on Gracy Farms?
- 09:05:56 8 A. Yes.
- 09:05:59 9 Q. How many times?
- 09:06:01 10 A. A few.
- 09:06:04 11 Q. Just a few?
- 09:06:05 12 A. Correct.
- 09.06:11 13 Q. Would you be surprised if they had methamphetamine laying
- 09:06:15 14 out in plain view when the officers went into that apartment?
- 09:06:18 15 A. I'm very surprised.
- 09:06:26 16 Q. Did you ever see any firearms at that apartment?
- 09:06:29 17 A. Never.
- 09:06:31 18 Q. Again, you'd be surprised if they found a bunch of
- 09:06:34 19 | firearms in the apartment, wouldn't you?
- 09:06:37 20 A. Of course.
- 09:06:39 21 Q. Did you know Mr. Basulto-Alvarez as well?
- 09:06:46 22 A. Yes.
- 09:06:46 23 Q. Did you think he was a pretty good guy, too?
- 09:06:56 24 A. Yes.
- 09:06:56 25 | Q. So you're surprised when they found over 40 kilos of

```
methamphetamine in his vehicle outside the same apartment?
       1
09:07:02
       2
          Α.
                Of course.
09:07:07
                So, if that's all true, that's a big part of their lives
09:07:12
       3
          that Ms. Guzman and Mr. Basulto-Alvarez are hiding from you,
09:07:17
          isn't it?
09:07:22
       5
                I didn't know about that.
09:07:31
       6
       7
                I believe you. The question was: If it's true, they were
09:07:34
          Q.
          hiding that from you, weren't they?
09:07:39
       8
09:07:41
       9
          Α.
               Of course.
                     MR. MARSHALL: Pass the witness.
      10
09:07:50
                                  Nothing further from this witness, Judge.
      11
                      MR. MARSH:
09:07:51
                      THE COURT: Ms. Guillana, you said that you respected
      12
09:07:56
          Ms. Guzman because she's a hard worker. What do you base that
      13
09:08:01
          opinion on?
      14
09:08:08
                      THE WITNESS: Well, since I've known her, I know her
09:08:11
      15
          to be somebody that works, and, that I know of, she doesn't
09:08:43
      16
      17
          have any bad habits.
09:08:48
                      THE COURT: Where does she work?
09:08:50
      18
                      THE WITNESS: At the Amazon warehouses.
09:08:54
      19
                      THE COURT: Where did she work before then?
09:09:10
      20
      21
                      THE WITNESS: They had a nightclub.
09:09:18
                      THE COURT: Who had a nightclub?
      22
09:09:24
      23
                      THE WITNESS: Her and Junior.
09:09:29
      24
                      THE COURT: Who is Junior?
09:09:31
      25
                      THE WITNESS: Her boyfriend.
09:09:34
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```
THE COURT: Oh. Basulto-Alvarez?
       1
09:09:36
       2
                      THE WITNESS: Yes.
09:09:39
                      THE COURT: And what was the name of the club that
       3
09:09:42
09:09:47
       4
          they owed?
       5
                      THE WITNESS: Copa. The Copa.
09:09:49
                      THE COURT: How do you spell that? The Copa?
       6
09:09:51
       7
                      THE WITNESS: C-o-p-a.
09:09:56
                      THE COURT: And where is that in town?
       8
09:10:01
09:10:09
       9
                      THE WITNESS: It was on Burnet, but I don't know
          exactly where.
      10
09:10:12
                      THE COURT: And what kind of club is it?
      11
09:10:14
                      THE WITNESS: It was like an after-party.
09:10:15
      12
                      THE COURT: After-party? What does that mean?
      13
09:10:24
                      THE WITNESS: Where people go dance, like a disco.
09:10:26
      14
                      THE COURT: But like after hours, after 2:00 a.m. in
09:10:36
      15
           the morning? I mean, what were the operating hours of The
09:10:38
      16
      17
09:10:43
          Copa.
                      THE WITNESS: From midnight to 5:00 a.m., if I'm
09:10:43
      18
09:10:55
      19
          correct.
                      THE COURT: Did you know Ms. Guzman to work at Rick's
09:11:02
      20
      21
          Cabaret for the last four and a half years?
09:11:04
09:11:10
      22
                      THE INTERPRETER: Your Honor, can you repeat the name
      23
          of the cabaret?
09:11:12
09:11:14
      24
                      THE COURT: Rick's.
09:11:19
      25
                      THE WITNESS: In what?
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```
THE COURT: Did you know that she worked at Rick's
09:11:22
       1
       2
          Cabaret for four and a half years, from 2018 until August or
09:11:25
       3
          sometime in the summer of 2022?
09:11:31
                      THE WITNESS: Yes.
09:11:48
        4
                      THE COURT: Why didn't you tell me that earlier?
       5
09:11:49
                      THE WITNESS: Because I wasn't asked that.
       6
09:11:51
       7
                      THE COURT: I asked you where you knew she worked.
09:11:59
                      All right. I have no more questions. Ma'am, you can
       8
09:12:01
          step down.
09:12:03
       9
                      MR. MARSH: May I proceed, Judge?
      10
09:12:10
                      I'll call Alejandro Cano.
      11
09:12:17
                      THE INTERPRETER: Your Honor, can I give the witness
      12
09:12:57
          another set of headsets?
      13
09:12:57
                      THE COURT: Absolutely. All right, sir. If you'll
09:12:57
      14
          raise your right hand, you'll be sworn.
      15
09:12:58
                (Witness sworn)
09:13:00
      16
                      THE COURT: Have a seat.
      17
09:13:13
                                      ALEJANDRO CANO,
09:13:15
      18
          having been first duly sworn, testified through the
09:13:15
      19
           interpreter, Lorena Devlyn, as follows:
09:13:15
      20
                                     DIRECT EXAMINATION
      21
09:13:15
          BY MR. MARSH:
09:13:15
      22
      23
                Would you please state your name for the record.
09:13:15
      24
                Alejandro Cano.
09:13:24
          Α.
      25
                And you're Kenny's cousin, correct?
09:13:29
          Ο.
```

- 09:13:31 1 A. Yes.
- 09:13:31 2 Q. You were living with her the day she was arrested, right?
- 09:13:34 3 A. Yes.
- 09:13:36 4 Q. You don't have any criminal history here or in Cuba,
- 09:13:45 5 correct?
- 09:13:45 6 A. No.
- 09:13:45 7 Q. How long have you lived with Kenny?
- 09:13:48 8 A. About six months.
- 09:13:50 9 Q. And, if Kenny was released, do you believe she would live
- 09:13:55 10 | with you following release?
- 09:13:56 11 A. Yes.
- 09:14:00 12 Q. And you've recently received or in the process of
- 09:14:05 13 receiving some type of refugee status from Cuba, correct?
- 09:14:10 14 A. Yes.
- 09:14:15 15 0. And what are the conditions like in Cuba?
- 09:14:22 16 A. Terrible.
- 09:14:23 17 Q. And you probably won't want to return to Cuba, would you?
- 09:14:28 18 A. No.
- 09:14:29 19 MR. MARSH: No further questions, Judge.
- 09:14:33 20 CROSS-EXAMINATION
- 09:14:33 21 **BY MR. MARSHALL:**
- 09:14:33 22 Q. When did you get to the United States?
- 09:14:36 23 A. May 5th of -- May 5th, 2022.
- 09:14:50 24 | Q. So you just got here recently?
- 09:14:52 25 A. Yes.

- 09:14:53 1 Q. Did you know Mr. Basulto-Alvarez?
- 09:14:58 2 A. A little bit, but I do know him.
- 09:15:02 3 Q. Were you over at that apartment on Gracy Farms?
- 09:15:08 4 A. Yes.
- 09:15:08 5 Q. How many times?
- 09:15:10 6 A. Once in June. I came to visit her for a week.
- 09:15:21 7 Q. How about before May 12th, when that place was searched?
- 09:15:24 8 A. No. I lived in Houston.
- 09:15:33 9 Q. Before today, did you know that particular residence had
- 09:15:37 11 A. Yes.
- 09:15:41 12 Q. Did you know they had over 40 kilos of meth in and around
- 09:15:45 13 that residence?
- 09:15:46 14 A. No. No.
- 09:15:50 15 | Q. Did you know there were ounce quantities of meth wrapped
- 09:15:53 16 up for distribution sitting in plain view in that residence?
- 09:15:57 17 A. No.
- 09:16:02 18 Q. Do you know anything about the firearms in that residence?
- 09:16:04 19 A. No.
- 09:16:07 20 Q. Did Kenny ever tell you anything about that search?
- 09:16:12 21 A. No.
- 09:16:14 22 Q. Did she ever tell you anything about the dope and
- 09:16:19 23 | Basulto-Alvarez distributing dope?
- 09:16:21 24 A. No.
- 09:16:28 25 Q. A whole lot of stuff she didn't tell you, isn't there?

```
1
                Right.
          Α.
09:16:30
       2
                     MR. MARSHALL: Pass the witness.
09:16:33
                                  Nothing further, Judge.
09:16:34
       3
                     MR. MARSH:
                     THE COURT: All right, sir. You can step down.
09:16:36
       4
                     Anything else, Mr. Marsh?
       5
09:16:38
                     MR. MARSH: Nothing further, Judge.
       6
09:16:39
       7
                     MR. MARSHALL: Nothing further.
09:16:40
                     THE COURT: All right. We'll proceed to argument in
       8
09:16:41
09:16:43
       9
          a moment.
                     Mr. Marshall?
      10
09:17:04
                     MR. MARSHALL: The biggest question I think the Court
09:17:08
      11
          has is: Why didn't we arrest her in May, and what happened
09:17:11
      12
          between May and now? We didn't arrest her in May because we
      13
09:17:14
          didn't want to blow the investigation and let all the suppliers
09:17:17
      14
          and other individuals get away. We took the case down as
09:17:21
      15
          quickly as we could, and, quite frankly, we were successful in
09:17:26
      16
          that regard.
      17
09:17:30
                     I would posit that Ms. Guzman thought she was free
09:17:31
      18
          and clear in this particular instance because nothing happened
09:17:36
      19
          to her. That doesn't eviscerate the fact that now she knows,
09:17:41
      20
      21
          now she's in trouble, now she's facing a big charge, and now
09:17:47
          she knows that she got caught on the phone helping her
      22
09:17:52
      23
          boyfriend/husband, Mr. Basulto-Alvarez, distribute quantities
09:17:54
      24
          of methamphetamine, lots of which were found in her apartment,
09:17:58
      25
          in plain view, along with firearms and other materials.
09:18:03
```

09:18:10

09:18:15

09:18:18

09:18:26

09:18:28

09:18:32

09:18:37

09:18:42

09:18:52

09:19:01

09:19:06

09:19:09

09:19:11

09:19:12

09:19:20

09:19:25

09:19:30

09:19:34

09:19:40

09:19:44

09:19:47

09:19:50

09:19:51

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It's a strong case against her, one element the Court has to weigh. The second element is, is she going to go anywhere? I suggest that the only reason she's hung around is because she thought she got away with it.
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I would suggest that now she understands the severity of this offense, she understands that she could be going to prison for a long time, and Cuba may well be a better place than prison. We don't know. She's got significant ties to Cuba. Her family lives in Cuba. She's traveled to Cuba in the past. In this particular instance, I don't think there's a set of conditions you can set that will rebut the presumption in this case.

THE COURT: Mr. Marsh?

MR. MARSH: Yes, Judge. Judge, I think the discussion over disrupting the investigation, if Mr. Alvarez was the big dog and she's living with him, she's the first ripple when the stone hits the pond next to him. She could have alerted all these other people. I haven't heard any evidence that she did or has. They let her stay out for a period of time. There's no additional evidence between the date of his arrest that she was engaged in any further criminal activity.

She -- you heard testimony that Cuba is a terrible place. Someone who has lived here for years doesn't want to go back. Someone who has recently arrived doesn't want to go

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back.
                 She does have a -- she does have her residency. She has
09:20:04
       1
          been working legally. And I would ask that the Court adopt the
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09:20:10
          recommendations from pretrial services, order the unsecured
09:20:15
       3
          bond, put the restrictions on her that pretrial services has
09:20:25
          requested, and release her. Thank you.
       5
09:20:30
                     THE COURT: What's this Copa business?
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09:20:35
       7
                     MR. MARSH:
                                 Judge, my understanding with that Copa
09:20:38
          business was that it was owned and operated by her boyfriend.
09:20:41
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                     THE COURT: But why wasn't it disclosed?
09:20:45
       9
                                 I -- I don't know, Judge.
      10
                     MR. MARSH:
09:20:48
                     THE COURT:
                                 Okay. Mr. Marshall?
      11
09:20:51
                     MR. MARSHALL: I can answer that question by proffer.
      12
09:20:56
          Initially, on the first wires, Basulto-Alvarez was running that
      13
09:20:59
09:21:05
      14
          particular place. He operated out of that place. We caught
          the calls coming from that location going back and forth, and
09:21:10
      15
          then he dropped that phone. That place subsequently went out
09:21:14
      16
      17
          of business. But that's the initial part of the case, and she
09:21:17
          worked there for a time. She was in an out of that place.
09:21:22
      18
                     The only other thing I would mention in rebuttal is
09:21:27
      19
          that Mr. Basulto-Alvarez wasn't the big guy. Orozco was.
09:21:30
      20
                                                                          And
      21
          that's who we stopped and waited and made sure we could get.
09:21:36
                     THE COURT: Yeah. To be clear, tactically, if you
09:21:41
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      23
          were moving forward on the danger prong, I might have some
09:21:43
09:21:47
      24
          issues with waiting --
      25
                     MR. MARSHALL: Yes, sir.
09:21:48
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THE COURT: -- to arrest. But, as I understand it,
09:21:48
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       2
          you're moving forward on the flight prong.
09:21:51
                     MR. MARSHALL: Correct.
09:21:52
       3
                     THE COURT: And waiting until now, that makes a
09:21:52
       4
          tremendous amount of sense.
       5
09:21:54
                     MR. MARSHALL: All right, sir.
       6
09:21:59
       7
                     THE COURT: Okay. Mr. Marsh, I'm more concerned with
09:22:00
          the fact that, you know, this whole one of the leaders of a
09:22:05
       8
          drug dealing enterprise has got girlfriends and wives and
09:22:11
       9
          there's levels of their involvement. And sometimes the
      10
09:22:19
          government is a little too aggressive in going after some of
      11
09:22:25
          those women, but this is a little different.
      12
09:22:31
                     The evidence I heard is that she's immersed in this
09:22:35
      13
          business. And with all due respect -- and there's nothing
09:22:43
      14
          wrong with working at a strip club -- but my experience in life
09:22:46
      15
          has been strip clubs are just dens of dope and bad behavior.
09:22:54
      16
      17
          And, you know, your witness doesn't even offer that up.
09:23:00
                     I mean, what do I do with a woman who is maybe not as
09:23:08
      18
          higher up the food chain as her boyfriend, but she's just as
09:23:13
      19
          involved in the drug enterprise, and the strength of the
09:23:17
      20
      21
          evidence -- again, I respect your abilities; you know that --
09:23:20
          but the strength of the evidence against her is overwhelming:
      22
09:23:24
      23
          wiretaps; she's present at an apartment with guns and drugs in
09:23:29
      24
          plain view; she's a visitor to our country for what, '16, seven
09:23:39
      25
          years and, within two or three, she's involved in drugs.
09:23:43
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I mean, Ms. Guzman, I'm going to order that you be
09:23:47
       1
       2
          detained. I find that the government has met its burden to
09:23:54
          establish that you're a risk of not coming to court when you're
09:24:00
       3
09:24:04
          supposed to.
                         I have way too many questions about your
          background or your involvement in this. And I'm not really
       5
09:24:08
          sure the presumption has been rebutted, but even if it has been
09:24:13
       6
       7
          rebutted, the fact remains you were integrally involved in a
09:24:16
          major narcotics conspiracy and you're facing an enormous amount
09:24:25
       8
          of time in federal prison, unless things change, all of which
09:24:33
       9
          are reasons to flee.
      10
09:24:39
                     And the whole fleeing to Cuba thing, that's not --
      11
09:24:40
          it's just hiding in plain sight. That's what -- I don't want
09:24:43
      12
          to create a situation in which she's motivated to leave, go
09:24:47
      13
          anywhere in the United States, and have the Marshals Service
09:24:52
      14
          have to go out and look for her. That's flight, and that's
      15
09:24:55
          flight that concerns me. If she promised to go to Cuba for the
09:25:00
      16
          rest of her life, I might change my mind. But that's not
      17
09:25:04
          what's going to happen.
09:25:12
      18
                     So I'll enter an order detaining Ms. Guzman until
09:25:15
      19
          this case is concluded. We're adjourned.
09:25:20
      20
                (Proceedings concluded at 9:53 a.m.)
09:25:27
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## REPORTER'S CERTIFICATE I, Arlinda Rodriguez, do hereby certify that the foregoing was transcribed from an electronic recording made at the time of the aforesaid proceedings and is a correct transcript, to the best of my ability, made from the proceedings in the above-entitled matter, and that the transcript fees and format comply with those prescribed by the Court and Judicial Conference of the United States. /S/ Arlinda Rodriguez March 10, 2023 ARLINDA RODRIGUEZ DATE